

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Thomas John Kelly,

Civ. No. 08-5028 (JMR /JJK)

Plaintiff,

v.

Ramsey County Sheriffs Office; Frerich,
Correctional Officers; John Doe, Correctional
Officers; St. Paul Police Department; Distell,
Saint Paul Police Officers; Doe, Saint Paul
Police Officers; and Rob, Jail Nurse;

ORDER

Defendants.

Thomas John Kelly, 227367, MCF-St. Cloud, 2305 Minnesota Blvd. SE, St. Cloud, MN 56304-2424, *pro se*.

C. David Dietz, Esq., Ramsey County Attorney, counsel for Defendants Ramsey County Sheriffs Office, St. Paul Correctional Officers Frerich and John Doe, and Jail Nurse Rob.

Cheri M. Sisk, Esq., City of St. Paul Attorney's Office, counsel for Defendants St. Paul Police Department, and St. Paul Police Officers Distell and Doe.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated January 23, 2009. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, on all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

The Motions of the Ramsey County Defendants (Doc. No. 8) and the St. Paul Police Department Defendants (Doc. No. 15) to dismiss the Complaint be GRANTED IN PART and DENIED IN PART, as follows:

1. The municipal Defendants Ramsey County Sheriffs Office and St. Paul Police Department be DISMISSED; and

2. The motion to dismiss the Complaint against the individual Defendants be DENIED.

Date: February 27, 2009

s/James M. Rosenbaum
James M. Rosenbaum
United States District Judge